

### **REMARKS/ARGUMENTS**

In response to the Office Action dated May 25, 2004, Applicants respectfully request reconsideration based on the above claim amendment and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 13-24 are pending in this application. Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks"). Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent No. 5,630,204 ("Hylton"). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent Application No. US2002/0083441 ("Flickinger"). Applicants respectfully request reconsideration of the present application in light of the above recited amendments and below recited remarks.

#### ***Interview Summary***

Applicants' attorney and the Examiner discussed claim 13 of the present application in relation to Hendricks in a telephonic interview on July 19, 2004. The following is Applicants' understanding of the substance of the interview:

1. Applicants argued that Hendricks does not teach or suggest viewer demographic data "confined to the viewer device", as recited in independent claim 13 of the present application. Rather, Hendricks discloses collecting viewer demographic data at a viewer device and then sending it to a network controller at a cable headend.
2. The Examiner agreed to reevaluate the rejection in light of this distinction. Applicants' arguments are set forth in detail below.

#### ***Rejections Under 35 U.S.C. § 102(b)***

Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks").

### **The Claimed Invention**

The claimed invention is directed to targeting advertising content to a particular viewer. According to an aspect of the invention, demographic information for the viewer is gathered at a set top box (i.e. a viewer device). A number of different categories of advertisements (i.e. sporting goods, cars, food) are sent to the set top box. Upon receiving the different kinds of advertisements, the set top box targets a particular category of advertisement to the viewer based on the viewer's collected demographic information. For example, if the viewer is watching a football game, then the set top box may target a sporting goods advertisement to the viewer. The targeted advertisements are then sent to the viewer's television where they are displayed to the viewer.

**Importantly, in the claimed invention, the viewer's demographic information never leaves the set top box, thereby protecting the viewer's privacy.**

### **The Hendricks Reference**

Hendricks discloses a system in which advertising content is targeted to a particular viewer. The advertising content is targeted based, at least in part, on the viewer's assigned "set top terminal group" (See Fig. 20a, Element 240). The set top terminal group is assigned to the viewer based on the viewer's demographic information, which is collected by the viewer's set top terminal **and then sent to a network controller** for storage at the network controller (Col. 34, lines 35-40). The network controller then uses the viewer's stored demographic information to assign the viewer to a particular set top terminal group (Col. 36, lines 15-20). The network controller then transmits the viewer's assigned set top terminal group back to the viewer's set top terminal (Col. 36, lines 15-20). The viewer's set top terminal then targets advertising content to the viewer based on the viewer's assigned set top terminal group (Col. 36, lines 15-20).

**Importantly, because the set top terminal group is assigned at the network controller, the viewer's demographic information is not confined to the viewer's set top terminal. Thus, in Hendricks, the viewer's privacy is not protected.**

**Hendricks Does Not Teach the Claimed Invention**

In contrast to the present invention, Hendricks does not teach or suggest viewer demographic data “confined to the viewer device”, as recited in independent claim 13 of the present application. Indeed, to the contrary, as explained above, Hendricks teaches collecting viewer demographic data at a viewer device and then sending it to a network controller at the cable headend. Thus, not only does Hendricks not teach the claimed invention, it actually teaches away from the claimed invention.

Applicants respectfully submit that dependent claims 14-17, 19, 20, and 22-24 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections are respectfully requested.

***Rejections Under 35 U.S.C. § 103(a)***

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent No. 5,630,204 (“Hylton”). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent Application No. US2002/0083441 (“Flickinger”). Applicants respectfully disagree and submit that dependent claims 18 and 21 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

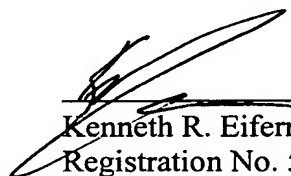
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**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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